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C O N F I D E N T I A L CARACAS 002759

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TAGS: [PGOV](#) [KDEM](#) [PHUM](#) [VE](#)
SUBJECT: OPPOSITION DIGS IN FOR THE LONG FIGHT

REF: CARACAS 2705

Classified By: Abelardo A. Arias, Acting Deputy Chief of Mission,
for Reasons 1.4 (d).

Summary

1. (C) The Coordinadora Democratica plans to contest the National Electoral Council's (CNE) certified results announced August 26 that President Hugo Chavez won the August 15 recall referendum. The Coordinadora is working toward documenting its case. A Coordinadora commission headed by constitutional lawyer Tulio Alvarez has enlisted a team of mathematicians to document the alleged irregularities in the referendum results. The NGO Sumate is proceeding with its own analysis but is troubled by harassment from both GOV and opposition sympathizers. The Coordinadora's work may turn out to be only an exercise in closure for the opposition. In the meantime, however, Chavez opponents continue to pursue the fraud allegations. End summary.

Fraud Commission Head Accuses GOV of "Plan B"

2. (C) The Coordinadora Democratica's Fraud Commission (ref) legal coordinator Tulio Alvarez told Emboffs August 24 he believes the GOV decided in July to enact a "Plan B" to commit fraud to win the August 15 recall referendum against President Hugo Chavez. Alvarez said the GOV in the runup to the referendum had worried about a close race and initiated its plan to ensure victory. Alvarez theorized that the GOV either altered the voting machines or altered their transmission to the National Electoral Council (CNE). He thought the GOV changed the contents of the boxes containing the paper receipts -- perhaps 20 percent before and 20 percent after the vote -- to match the tally sheets of the corresponding machines. Alvarez also questioned the GOV's ability to augment the electoral registry by two million votes the two months prior to the referendum, suggesting the voters may never have existed.

Coordinadora's Strategy To Contest Results

3. (C) Alvarez said this is a case of "blackmail of the evidence," wherein all the proofs needed to demonstrate fraud are in the hands of the GOV, leaving the Coordinadora with mostly circumstantial evidence. Alvarez said he plans to release a preliminary report in mid-September with the purpose of raising public awareness of irregularities in the election. Alvarez said he planned to release a definitive report by mid-October. The Coordinadora has 20 working days after the August 26 CNE announcement of the final referendum results to contest them. Alvarez said the Coordinadora plans to file its objection five days before the expiration date to buy additional time for Coordinadora investigators. He admitted there was little chance the CNE would act on the Coordinadora's objection, but noted the action would preserve the opposition's right to appeal to the Supreme Court (TSJ).

Sumate Embarks on Parallel Track

4. (C) In meeting with Emboffs August 24, members of the NGO Sumate Maria Corina Machado and Roberto Abdul said they, too, had a team of computer experts and mathematicians analyzing the election data. Machado doubted the exercise would yield any definitive proof of fraud. She said Sumate is reaching out to world-recognized experts in electoral fraud, especially in the United States, to examine the case of the referendum.

5. (C) Machado and Abdul said they and other Sumate members had received threats by telephone and e-mail from GOV

sympathizers over the NGO's refusal to endorse the referendum

results. Machado added that opposition groups were also critical of the NGO because it appeared to endorse the CNE's results on August 16 when it was revealed that Sumate's quick count showed Chavez had won. Machado complained that this fact had been used by the GOV, former President Jimmy Carter, and the international press to imply Sumate's endorsement. Machado said that after receiving an apology from Carter for misrepresenting Sumate's position, he nevertheless continued to cite the NGO's quick count as evidence of transparency in the process.

Comment

16. (C) Alvarez_ is a serious and politically savvy attorney with a reputation for high-profile cases, such as a corruption suit against Chavez for suspicious oil sales to Cuba. His willingness to take this case is an advantage for the Coordinadora. An appeal of the CNE's referendum results will ultimately be fruitless because both the CNE and TSJ are controlled by the executive branch. The real issue is whether the Coordinadora's report turns up enough evidence to cast doubt on Chavez's landslide win and, thus, his legitimacy. If it does not, the report may still serve as a face-saving measure to soften the political blow of losing the referendum.

McFarland

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